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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TRANG MAN LOOC,)
)
Defendant.)
)
_____)

No. CR-3-11-70207-JCS

~~[PROPOSED]~~ ORDER AND
STIPULATION EXCLUDING TIME
FROM MARCH 31, 2011, TO APRIL 21,
2011, FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

On March 14, 2011, Magistrate Judge Spero signed the stipulation and proposed order filed by the parties requesting that the preliminary hearing in this matter be continued until March 31, 2011. The parties have now agreed to continue the preliminary hearing until April 21, 2011.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a preliminary hearing on April 21, 2011, at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Civil Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 31, 2011 to April 21, 2011.

The parties agree, and the Court finds and holds, as follows:

1. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for a preliminary hearing.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act from March 31, 2011 to April 21, 2011, based upon the need for effective preparation of counsel and to provide the defendant an opportunity to review discovery. The defendant agrees to this exclusion on the condition that his right to bring motions claiming Speedy Trial Act violations prior to March 31, 2011, shall remain preserved.

3. Counsel for the defendant believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's best interest for the United States to indict the case during the normal 10-day timeline established in Rule 5.1. In addition, counsel for the defendant believes that the exclusion of time is in his client's best interest.

4. Given these circumstances, the Court finds that, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. In addition, the Court finds that the ends of justice served by excluding the period from March 31, 2011 until April 21, 2011, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing before the duty magistrate judge on April 21, 2011 at 9:30 a.m., and (2) orders that the period from March 31, 2011 to April 21, 2011, shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) and the time period for preliminary

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hearings under Federal Rule of Criminal Procedure 5.1.

STIPULATED:

DATED: March 30, 2011

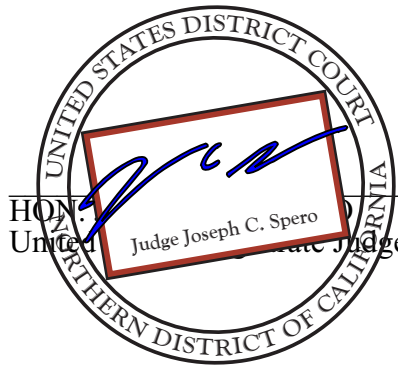
/s/
GARRICK LEW
Attorney for Defendant Trang Man Looc

DATED: March 30, 2011

/s/
AARON D. WEGNER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 03/30/11



HON. Judge Joseph C. Spero
United States District Judge